



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE

(213) 974-7546

FACSIMILE

(213) 613-4751

TDD

(213) 633-0901

E-MAIL

lhafetz@counsel.lacounty.gov

ROBERT E. KALUNIAN
Acting County Counsel

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

#17 NOVEMBER 10, 2009

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Agenda No. 5
09/22/09

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: PROJECT NO. R2006-01315-(5)
CONDITIONAL USE PERMIT CASE NO. 2006-00095-(5)
FIFTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which sought to authorize the continued operation and maintenance of the 13-unit, two-story, Lucky Star Motel located at 3872 East Colorado Boulevard in the East Pasadena/East San Gabriel community. At the completion of the hearing you indicated an intent to deny the permit and instructed us to prepare findings for denial. Enclosed are findings for your consideration.

Very truly yours,

ROBERT E. KALUNIAN
Acting County Counsel

By

Lawrence L. Hafetz
LAWRENCE L. HAFETZ
Principal Deputy County Counsel
Property Division

APPROVED AND RELEASED:

John F. Krattli (For JFK)
JOHN F. KRATTLI

Senior Assistant County Counsel

LLH:sh
Enclosure

HOA.652591.1

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
PROJECT NO. R2006-01315-(5)
CONDITIONAL USE PERMIT NO. 2006-00095-(5)**

1. The Los Angeles County ("County") Board of Supervisors ("Board") conducted a duly-noticed public hearing in the matter of Conditional Use Permit Case No. 2006-00095-(5) ("CUP") on September 22, 2009. The County Regional Planning Commission ("Commission") previously conducted a duly-noticed public hearing on the CUP on September 10, 2008 and October 1, 2008.
2. The applicant, Diana Mei Chang, requests the CUP to authorize the continued operation and maintenance of a 13-unit, two-story motel named Lucky Star Motel ("Motel") that was built in 1947 and is located at 3872 East Colorado Boulevard in the East Pasadena/East San Gabriel community.

3. The site is zoned C-2 (Neighborhood Business Zone). Surrounding zoning consists of:

North:	C-2 and C-2-DP (Neighborhood Business - Development Program);
East:	C-2 and R-2 (Two-Family Residence);
South:	R-2; and
West:	C-2.

The zoning for the site is consistent with the surrounding zoning.

4. Surrounding land uses consist of:

North:	An office building and retail uses;
East:	A service station and a single-family residence;
South:	A single-family residence; and
West:	A vacant store, liquor store, and office uses.

The Motel is incompatible with the adjacent land uses, as discussed further in these Findings.

5. The site is developed with the existing Motel and has a lot area of 5,662 square feet. At the time the Motel was constructed in 1947, it was a permitted use by right in the C-2 zone under the Los Angeles County Code ("County Code"). The County Code was amended in 1965 to require a CUP for motels in the C-2 zone, thus making the Motel a non-conforming use subject to a 40-year amortization period. In 2005, at the end of the amortization period, the Motel was required to either cease operation or obtain a conditional use permit. In May 2006, the applicant filed a CUP application to continue operation of the Motel.

6. The site plan depicts a 13-unit, two-story bungalow Motel, rectangular in shape, with seven parking spaces, including one handicap parking space. The doors and windows of the Motel rooms open to the parking area. A six-foot masonry wall delineates the Motel's eastern property boundary, and the Motel itself delineates the western property boundary.
7. Access to the site is via a one-way entrance from East Colorado Boulevard to the north. The site's exit is at the rear of the property via an alley to the south.
8. The land use designation for the subject property is "Major Commercial" in the Los Angeles Countywide General Plan ("General Plan"). Properties with this designation are suitable for central business parks, regional office complexes, major shopping malls and centers, and a range of retail store and service uses. Although the proposed use is consistent with the General Plan land use designation, a CUP is required for the Motel because of its C-2 zoning. As addressed further in these Findings, the proximity of the Motel to single-family residences, combined with its long history of illegal and nuisance-type activities, make the Motel incompatible with the surrounding land uses.
9. Approximately 16 motels are located within one and one-half miles of the subject property. The bulk of these motels were built between the 1940s and 1970s to serve motorists travelling on historical Route 66, coterminous with East Colorado Boulevard. Since that time, land use patterns in the area have changed. While properties fronting Route 66 remain commercial, properties adjacent to Route 66 have been developed with single-family residences.
10. The construction of the Motel in 1947 occurred prior to the adoption of the current zoning standards for the site, including the East Pasadena - San Gabriel Community Standards District. The Motel does not meet these current zoning standards in areas such as parking, landscaping, setbacks, and signage, as discussed in Finding No. 11.
11. Regarding parking, the site's current requirement is 14 parking spaces, while the site has only seven parking spaces. Regarding landscaping, the site has a current 10 percent landscaping requirement, while less than one percent of the site is landscaped, which landscaping is unsightly and poorly maintained. The site's current front setback requirement is five feet from the property line, while the Motel is set back less than two feet from the property line. The current sign regulations for the site prohibit a business sign from projecting or extending more than 18 inches from the building face, however, the Motel's existing projecting sign extends 24 feet from its building face.
12. Prior to the Commission's initial public hearing session, staff of the County Department of Regional Planning ("Regional Planning") received a report from the County Sheriff's Department, Temple Station Detective Bureau ("Sheriff"), stating that the Motel "has long been a nuisance and haven for criminal activity in the East Pasadena community. Much of the problem can be attributed to the lax

attitude of the owner and manager of the location. Renting rooms by the hour, renting rooms without requiring identification, and the general rundown appearance [of the Motel], all contribute to the 'seedy' atmosphere." The report also noted that the Sheriff has long received complaints from nearby residents of criminal activities near the Motel, as well as the Motel's poor condition.

13. The Sheriff also noted that at the time of the report, between 15 to 17 sex offenders, registered under state law, were staying at the Motel. Because the Motel was separated from the residential neighborhood by a narrow alley on the south, the Sheriff concluded that the Motel "[was] much too close to the children of this community to be allowed to continue operation in this dangerous manner."
14. On August 24, 2008, Regional Planning staff made a site visit to the Motel, observing as follows: (a) the site is small, compact, fully developed, and has little room to be improved to current development standards; (b) the Motel needs maintenance work; (c) the Motel's trash bin was in plain view to nearby residences but had inadequate on-site space for a trash enclosure without removing a parking space; (d) the Motel could provide only seven parking spaces due to the size of the site; (e) the Motel had a few shrubs by its exterior wall near the sidewalk, but little other landscaping and little room to add landscaping in compliance with current standards; (f) the Motel's on-site storage space appeared to be lacking; and (g) the Motel had sacks of what appeared to be dirty laundry stored under its exterior stairs.
15. Prior to the Commission's hearing, a representative of the Vice Mayor for the neighboring city of Pasadena ("Pasadena") sent an email to the County describing the Motel as a continued health and safety problem in the area by allowing long-term rentals, prostitution, and drug activities to occur on site, as well as allowing numerous sex offenders to stay at the Motel at any one time.
16. Prior to the Commission's hearing, the City of Arcadia Development Services Department ("Arcadia") sent a letter to Regional Planning dated September 8, 2008, noting that the Motel is immediately adjacent to the City's jurisdiction and that, in the past, the Arcadia Police Department ("Arcadia PD") has made arrests at the Motel of suspected perpetrators of robbery, sexual assault, prostitution, and drugs, and also pursuant to search warrants. The letter also stated that the Arcadia PD previously made contact with prostitutes near the Motel who originated from the Motel. According to Arcadia, these criminal problems have continued for years.
17. Prior to the Commission's hearing, the Pasadena Police Department ("Pasadena PD") issued a memorandum to the Board dated September 9, 2008, which was forwarded to the Commission, citing, among other things, that the Motel has contributed significantly to the problem of prostitution along East Colorado Boulevard for years, both inside and outside Pasadena's city limits. The memorandum claimed that 322 incidents/arrests for prostitution or prostitution-

related offenses occurred within the past two years near the Motel on East Colorado Boulevard between the County's unincorporated area and Pasadena's eastern city limit.

18. At the Commission's September 10, 2008 public hearing session, the Commission heard a presentation from Regional Planning staff, testimony from the applicant, and testimony from a number of local residents in opposition to the project, including representatives of a group known as East Pasadenans Improving Community. Other than the applicant, no persons testified in favor of the project.
19. Opponents at this public hearing session objected to the concentration of motels in the area along East Colorado Boulevard and also claimed that, because of the number and frequency of sex offenders and parolees staying at the Motel, the Motel has contributed to the persistent problem of prostitution, criminal activity, vagrancy, and flagrant alcohol consumption in the area. According to the opponents, this problem overflows into the nearby residential neighborhood.
20. At this public hearing session, nearby residents testified that they have found and removed used condoms in and from their front yards, have witnessed drug transactions near the Motel, and have seen prostitutes and their clients parked in front of their homes. The opponents asserted that by allowing rooms to be rented by the hour, the Motel was one of the worst offenders in the area for enabling prostitution and/or other nuisance-type activities in the area.
21. At this public hearing session, opponents claimed that the occurrence of criminal and other illicit activities at or near the Motel was incompatible with family life in the area, that local women were fearful to walk along local streets, and that residents were fearful to allow their children to play in their front yards. One local resident testified that she was accosted numerous times by Motel residents seeking money.
22. At this public hearing session, opponents contended that concerted law enforcement efforts to combat the illegal activities at or near the Motel by the Pasadena PD, the Arcadia PD, and the County Sheriff improved conditions only temporarily, but that the illegal activities reoccurred once these efforts subsided.
23. At this public hearing session, opponents testified that the Motel was not well maintained, not in good physical condition, and devalued the surrounding area. According to the opponents, the Motel has contributed to a decline in commercial activities along East Colorado Boulevard and has created a disincentive for investors to revitalize the area.
24. At this public hearing session, a representative of the Lower Hastings Ranch Association, an association representing homeowners within one mile of the site, testified in opposition to the CUP, asserting that the Motel needed upgrades and repairs and was problematic to the area by housing sex offenders.

25. After hearing all testimony, the Commission continued the public hearing to October 1, 2008, and instructed Regional Planning staff to prepare draft CUP Findings for denial for its consideration.
26. Prior to the Commission's continued public hearing, the Pasadena Planning and Development Department sent a letter to Regional Planning dated September 30, 2008, stating that East Colorado Boulevard has been a chronic prostitution area for many years, and that the Motel, among other factors, has contributed directly to the problem. According to the letter, the Pasadena PD has witnessed prostitutes leaving other local motels during prostitution arrests and entering the Motel to avoid apprehension.
27. At the Commission's continued public hearing on October 1, 2008, the Commission heard a presentation from Regional Planning staff, testimony from the applicant's representative, and testimony from approximately 20 persons in opposition to the CUP. Other than the applicant's representative, no persons testified in favor of the project.
28. At the Commission's continued public hearing, the applicant's representative submitted materials to the Commission showing that the applicant had improved the Motel since the prior public hearing session by repaving the parking lot, planting additional landscaping, and installing a security surveillance system. The applicant's representative also informed the Commission that the applicant had notified the State of California Department of Corrections and Rehabilitation Division of Adult Parole Operations ("State Parole") that the Motel was no longer willing to place parolees and/or sex offenders at the Motel.
29. At the Commission's continued public hearing, Regional Planning staff noted that, notwithstanding the applicant's effort to plant additional landscaping, the site still fails to meet minimum landscaping requirements under the County Code. Regional Planning staff further noted that they had received a total of approximately 20 comment letters in opposition to the CUP and no comment letters in support of the CUP.
30. At the Commission's continued public hearing, the opponents raised substantially similar issues to those raised at the initial public hearing session, described above.
31. On October 1, 2008, after hearing all testimony, the Commission closed the public hearing and unanimously denied the CUP on a five to zero vote. The Commission found, among other things, that the Motel contributed to the illegal and nuisance-type activities in the area, and that if the Commission were to approve the CUP, it would assist in perpetuating this significant problem.
32. Pursuant to section 22.60.200(A) of the County Code, the applicant appealed the Commission's denial of the CUP to the Board.

33. Prior to the Board's public hearing, the Board received a memorandum from the County Treasurer and Tax Collector ("Tax Collector") stating, among other things, that the Tax Collector had conducted an audit of the Motel to determine its compliance with the County's transient occupancy tax ("TOT") for the years 2005 through 2008, and that the audit showed the Motel had an under-reported tax, penalty, and interest amount of \$14,320 due the County for those years. The Tax Collector also noted that, because of the audit, the Motel had agreed to make a partial payment of \$3,000 by September 15, 2009, for this delinquency. By the date of the Board's public hearing, such partial payment had not been made. However, on October 6, 2009, the Tax Collector reported that it had received full payment for the outstanding TOT in the amount of \$14,320.
34. Prior to the Board's public hearing, the Board received several letters from the applicant's attorney requesting the Board to overturn the Commission's denial and to grant the CUP. These letters made a number of claims, including claims that: (a) the applicant has never condoned illegal activities at the site and never had knowledge of prostitutes using the Motel; (b) the sole reason the applicant allowed parolees and/or sex offenders to stay at the Motel was because of requests made by State Parole and local State Parole agents; (c) the applicant misunderstood these requests to be a mandatory obligation since they were made by a State Parole agency; (d) once the applicant learned that the requests did not impose a mandatory obligation to accept parolees and/or sex offenders, and because of the community's strong objections to having numerous sex offenders stay at the Motel, the applicant removed all sex offenders from the site; (e) no sex offenders or prostitutes have resided at or used the Motel since January 1, 2008; and (f) the applicant is willing to comply with any requirement imposed by the County regarding sex offenders and/or prostitutes not staying at the Motel.
35. The Board conducted its public hearing on the appeal on September 22, 2009. At the public hearing, the Board heard a presentation from Regional Planning staff, testimony from the applicant and her attorney, testimony from the opponents of the project, and testimony from the Sheriff. Other than the applicant and her attorney, no persons testified in favor of the CUP.
36. At the Board's public hearing, Regional Planning staff informed the Board that the applicant had made the improvements to the site as described in Finding No. 28, and that the applicant had made efforts to disallow parolees and/or sex offenders from staying at the Motel. Regional Planning staff further noted that, notwithstanding the site improvements, the Motel still lacked the required parking and front setback under the County Code.
37. At the Board's public hearing, the applicant's attorney asserted claims substantially similar to those raised in his prior correspondence, described in Finding No. 34. The applicant's attorney further asserted that the applicant is a lawful business owner, does not condone criminal activity at the Motel, and has not had a sex offender stay at the Motel for over one year.

38. At the Board's public hearing, opponents raised claims substantially similar to those raised at the Commission, including claims that: (a) the Motel has contributed to increased criminal activity and reduced property values in the area; (b) by seeing condom wrappers, trash, sofas, shopping carts, and toilet seats in plain view at or around the Motel, local residents have experienced negative impacts of the Motel; and (c) local residents live in fear due, at least in part, to the criminal activities occurring at the Motel.
39. At the Board's public hearing, the Sheriff informed the Board that the Motel has a long record of contributing to criminal and/or nuisance-type activities in the East Pasadena area. Like in his report described in Finding Nos. 12 and 13, the Sheriff testified that much of the problem was attributable to the lax attitude of the Motel's owner and manager concerning the Motel's operation, the Motel's practice of allowing rooms to be rented by the hour, and the Motel's failure to require identification from guests prior to their stay. Also, according to the Sheriff, the general rundown and seedy appearance of the Motel were causes of these nuisance-like problems.
40. The Board finds that the Motel has long been a nuisance and haven for criminal activity in the East Pasadena community. The Board further finds that much of the problem can be attributed to the lax attitude of the owner and manager of this facility regarding its operation, and to the other factors described by the Sheriff in Finding Nos. 12, 13, and 39.
41. The Board finds that the Arcadia PD has reported that it made arrests at the Motel for, among other things, sexual assault, prostitution, and drug-related offenses.
42. The Board further finds that the Arcadia PD has reported that prostitutes contacted by the Arcadia PD near the Motel originated from the Motel.
43. The Board further finds that the Vice Mayor for Pasadena opposes the CUP because, in his view, it causes negative impacts to Pasadena by creating an atmosphere of allowing criminal activity, such as prostitution and drug sales, to occur in the area.
44. The Board finds that Regional Planning staff and the Board have received significant comment letters, e-mailed comments, and telephone calls in opposition to the CUP.
45. The Board finds that the Motel as developed fails to meet various development standards applicable to the site under the provisions of the C-2 zone designation and the East Pasadena - San Gabriel Community Standards District.

46. The Board finds that, based on the evidence in the record, the Motel has contributed to the numerous social problems impacting East Colorado Boulevard. The Board further finds that neighboring residents, business owners, law enforcement officers, and representatives of Arcadia and Pasadena have all opposed this CUP.
47. The Board finds that it recently adopted a new ordinance, Chapter 13.59 of the County Code, which imposes residency restrictions on registered sex offenders and would prohibit the Motel from knowingly renting a room to more than one sex offender on a long-term basis at any one time. The Board further finds that, notwithstanding this new ordinance and its potential impact on sex offenders staying at the Motel, denial of this CUP is still appropriate due to the numerous other negative impacts that the Motel has caused to the surrounding community, unrelated to sex offenders, as described in these Findings.
48. The Board finds that the proposed project may cause adverse impacts to the surrounding property owners.
49. The Board finds that the continued operation of the Motel at this location would jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare of the neighboring community, and would not constitute good zoning practice.
50. The Board finds that the proposed use will be materially detrimental to the use, enjoyment, and/or valuation of property of persons living in the vicinity of the facility.
51. The location of the documents and other materials constituting the record of proceedings upon which the Board's decision is based in this matter is at the Los Angeles County Department of Regional Planning, Hall of Records, 13th Floor, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

1. That the requested use at the proposed location will adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
2. That placement of the proposed use at such location will not be in the interest of public health, safety, and/or general welfare, nor in conformity with good zoning practice; and

3. That the information submitted by the applicant and presented at the public hearing does not substantiate the required Findings and burden of proof for the CUP as set forth in section 22.56.090.

THEREFORE, THE BOARD OF SUPERVISORS:

Denies Project No. R2006-01315-(5), consisting of Conditional Use Permit No. 2006-00095-(5).